IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 1772 of 2007

Date of Decision : 05.02.2007

Ex. Constable Sukhwinder Singh

... Petitioner

Versus

State of Punjab and others.

.. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Balbir Singh, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner was inducted into the Police force as a Constable in 1989. In 2003, he was posted at Police Lines, Patiala. At the aforesaid posting, on 04.05.2003, he along with four other police personnel were deputed as an escort party for taking eight prisoners back from the Court premises to the jail premises. The petitioner along with another Constable Baljinder Singh, were not available during the course of their duty, and therefore, did not accompany the police party in taking the prisoners back to jail. Resultantly, on their way back, one out of eight prisoners, namely, Ram Parsad escaped.

The aforesaid, resulted in the issuance of a charge sheet to the petitioner on account of his absence from duty, as also on account of his

negligence which resulted in the escape of one of the eight prisoners. Consequent upon the holding of the regular departmental enquiry, the petitioner was dismissed from service by an order dated 22.03.2005. Dis-satisfied with the order passed by the Senior Superintendent of Police, Patiala on 22.03.2005, the petitioner preferred an appeal. The appeal filed by the petitioner was dismissed on 28.11.2005 by the Deputy Inspector General of Police, Patiala Range, Patiala. The petitioner sought his further administrative remedy by preferring a revision petition, which was also dismissed by the Inspector General of Police, Patiala Zone, Patiala on 05.09.2006. Dis-satisfied with the orders dated 22.03.2005, 28.11.2005 and 05.09.2006, the petitioner has preferred the instant writ petition.

The solitary contention of the learned counsel for the petitioner is, that the respondents did not appreciate the evidence as they ought to have in this behalf. It is the vehement contention of the learned counsel for the petitioner, that the petitioner was taken ill on 04.05.2003, and had accordingly, with the permission of the Incharge of the Escort Party, gone to a doctor for treatment. This plea now advanced on behalf of the petitioner, was not authenticated on the basis of cogent evidence before the enquiry officer. In fact, the petitioner did not produce any defence evidence on the issue in hand during the course of the departmental enquiry. The evidence on record however reveals, as is apparent from the reply furnished on behalf of the respondents, during the course of the departmental proceedings, that the petitioner at about 12.30 p.m. on 04.05.2006 had gone towards hotels located near the bus stand for taking meals after informing Head Contable Baljinder Singh No. 2477/PTA, and other employees of the force.

In view of the overwhelming evidence referred to above, the

claim now sought to be projected needs to be rejected. We are satisfied that the claim raised by the petitioner before this Court is clearly misconceived, because the same is clearly an afterthought. If the same was true he could have easily produced the doctor whose treatment was taken by him, and similar other evidence before the enquiry officer. He, however chose not to do so. It is now too late in the day to entertain any such plea on his behalf.

For the reasons recorded herein above, the instant writ petition is dismissed.

(J.S. Khehar)
Judge

February 05, 2007 (S.D. Anand)
vkd Judge